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HIGH COURT OF CHHATTISGARH, BILASPUR

(S)

Writ Petition No.4103 of 2007

Applicant		Krishna Kumar Ghore, aged about 50 years, s/o late Shri Horilal Ghore, Working as Assistant Food officer, Bilapsur, r/o Nariyal Kothi, Dayalband, Distt. Bilaspur (C.G).
		Versus
Respondents	**1**	State of Chhattisgarh through the Principal Secretary, Department of Food and Civil Supplies and Consumer Protection, D.K.S. Bhawan, Mantralaya, Raipur (C.G).
	2	Collector, Bilaspur (C.G)
	3.	Food Controller, Collectorate, Bilaspur (C.G)

Writ Petition under Article 226/227 of the Constitution of India

Appearance:

Shri Kanak Tiwari, Sr. Advocate withShri Jitendra Pali Counsel for the Petitioner.

Shri Ajay Dwivedi, Panel Lawyer for the State and other respondents on advance copy.

ORAL ORDER
(06.08.2007)

SUNIL KUMAR SINHA, J,

Heard on admission.

The petitioner who is working as an Assistant Food Officer, Bilaspur, has been transferred from Bilaspur to Sarguja on administrative grounds by order dated 29.6.2007 (Annexure P-1). He was posted in Bilaspur since 23.3.2005.

Learned Senior Counsel argues that the transfer of the petitioner has been effected in violation of transfer policy dated 13th of June 2007 as also the Circular dt.20.10.2005 (Annexure P-5) which is in relation to posting in the scheduled area. He submitted that after serving minimum 5 years in the scheduled area, an option of the Govt. Servant to be posted at his place of choice, must be

considered, which has not been done in this case and the order has been passed in violation of the said Circular. He also submits that the petitioner has sustained a fracture for which he is taking regular treatment at Bilaspur and the wife of the petitioner is a Cardiac Patient.

Needless to say that these are not the grounds on which the transfers are to be interfered by a Court of law. Unless the transfer orders are vitiated by malafide or extraneous consideration or are effected in violation of any statutory Rules or the Act, the Courts are not to interfere in it. So far as the personal difficulties are concerned, they may be considered by the employer looking to the welfare of the employee.

Having heard learned counsel for the parties and after perusing the contents of the writ petition as well as the transfer policy and Circular dated 20.10.2005, in the opinion of this Court, ends of justice would be served if the petitioner is permitted to file a detailed representation before the concerned authority and the said authority is directed to dispose of the same at the earliest.

Accordingly, this petition is disposed of with a direction that the petitioner, if so advised, may file a detailed representation before the concerned authority within a period of 15 days from today alongwith a copy of this order, copy of Writ Peition and the documents annexed thereto and on such a representation being filed, the concerned authority shall dispose of the same in accordance with law at the earliest.

With the above direction/observations, this petition stands finally disposed of at the motion stage itself.

Sd/-
Sunil Kumar Sinha
Judge

Rao